

MEMORANDUM OF LAW

DATE: October 14, 1986

TO: Ed Ryan, City Auditor and Comptroller

FROM: City Attorney

SUBJECT: Spousal/Guest Expenses

Your memorandum of October 1, 1986, a copy of which is attached, asks about the propriety of expending City Funds for a League of California Cities meeting on October 16, 1986 to which the City Manager has invited all departments of the City to send at least one representative. In addition the Manager has also indicated that each departmental representative may bring a spouse/guest at City expense.

You point out that Administrative Regulation 95.40, section 4.2 states that any part of the cost for persons not closely connected with an event for which City Funds are expended are not to be considered as a part of the City business reason for the expense and their costs should not be considered as appropriate expense. However, the same section provides in an earlier phrase that the primary purpose of the meeting must be to provide a specific City benefit. It further provides that the Auditor may rely on the judgment of the expender of the Funds in this regard.

You then call our attention to Resolution No. 180412, also attached which, as you point out, clearly indicates that there are certain functions at which the expenditure of City Funds for spouses is authorized.

It seems to us that the authorization in Resolution No. 180412 is clearly sufficient to cover this proposed expenditure as to spouses and that the City Manager's determination that departmental representatives may bring a guest is sufficient authorization under the Administrative Regulation. To the extent that Administrative Regulation 95.40 is inconsistent with Resolution No. 180412, it should be amended.

Finally, you ask with respect to spousal/guest expenses who should make the determination as to propriety of City payment for

such expenses. We believe that the original determination of that issue is that of the department head who authorizes the expenditure. Your role then under Section 82 is to determine if it is in proper form; correctly computed; duly approved; legally due and payable from an appropriation which has not been exhausted and that there is money in the treasury to make the payment.

JOHN W. WITT, City Attorney

By

C. M. Fitzpatrick

Assistant City Attorney

CMF:js:910.2(x043.2)

Attachments

ML-86-120